THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18743 OF 2006

DATED 11th SEPTEMBER, 2006

BETWEEN

Syed Vasi Fazal Hyder and others

… Petitioners

and

The Joint Collector, Ranga Reddy District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18743 OF 2006

ORDER:

The petitioners claim to be the owners of agricultural lands in survey Nos.1 and 2 situated at Lothukunta of Malkajgiri Mandal in Ranga Reddy District. According to them, the property belonged to Smt.Lateefunissa Begum, who gifted the property on 09.07.1954 to the petitioners as they happened to be the children of the brother of late Syed Azmatullah Saheb, husband of Lateefunissa Begum. The petitioners also claim to be continuously in possession of the property. They allege that in 1955 third respondent sought permission of petitioners to use the land for grazing purposes agreeing to pay rent to Lateefunissa Begum. Accordingly, the father of the petitioners permitted third respondent to use the land for grazing the cattle. In 1992, it is alleged the petitioner No.2 came to know the Mandal Revenue Officer issued Pahanis showing the name of the third respondent as purchaser. Therefore, the petitioners preferred revision petition under Section 9 of A.P.Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), before the first respondent seeking rectification of entries in revenue records from 1954-1955 deleting the name of the third respondent and others. By impugned order in case No.D5/4174/1999, dated 17.01.2006, the first respondent rejected the revision petition observing that the revision petition filed after forty four (44) years is barred by limitation.

Learned counsel for the petitioners strenuously contends that period of limitation does not apply for exercise of revisional powers by the first respondent. Secondly, he submits that the first respondent ought to have conducted an enquiry when the third respondent obtained entries in the revenue records fraudulently.

There is no dispute that from 1954-1955, the name of the third respondent was shown as purchaser. There is also no dispute that the application was filed by the petitioner under Section 9 of the Act only in 1999 after a period of forty four (44) years. Even though the jurisdiction under Section 9 of the Act does not depend on the question of

limitation, such revisional power has to be exercised within a reasonable time. The first respondent observed this aspect of the matter and placing reliance on the well known decision of the Supreme Court in **State of Gujarat v P.Raghav**[1], refused to exercise revisional jurisdiction. Secondly, admittedly the petitioners have already filed pauper suit being O.P.No.70 of 2006 on the file of the Court of the District Judge, Ranga Reddy, presumably after the first respondent made such observations in the impugned order. The writ petition, therefore, is misconceived. The learned District Judge, Ranga Reddy, may dispose of the said suit/OP as expeditiously as possible.

The writ petition, with the above observation, is accordingly dismissed. No costs.

(V.V.S.RAO,J)

11.09.2006.
pln

[1] AIR 1969 SC 1297